Confdl-G.O.

New No. Sectt. I (i)-1—Old No. M.R.O. 1—10,006—10-6-68.

(1) Number of pages 44

(2) Date of repair 30-12-1974

(3) Initials of the Referencer

MADRAS RECORD OFFICE

Confdl-G.O.

GOVERNMENT OF MADRAS

Public DEPARTMENT

G.O. No. 1499
B.P. No.

Press
~~Mis.~~

Dated 1-12-1882 ~~196~~

Not to be folded or roughly handled

1882

Corsfoll

Publi GO No 1499 Dt 1-12.1882

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

Order—dated 1st December 1882, No. 1499, Public.

In its issue of Tuesday, November 7th, instant, the *Madras Times* Newspaper published at length the Minute recorded by His Excellency the Governor relating to his tour undertaken in July last—a confidential document which, as the Editor must have been well aware when the paper came to his hands, had not been placed by the Government at the disposal of the Press.

2. In reply to the inquiry made on the subject the Editor, the Rev. J. F. Spencer, expresses no regret for his conduct, but on the contrary takes credit to himself for having given publicity to a paper which he had irregularly obtained, refusing at the same time to explain how he became possessed of the same.

3. In the circumstances the only course open to Government is to give effect to G.O., dated 30th November 1865, on the subject, and to direct the removal of the *Madras Times* from the list of newspapers to which papers placed at the disposal of the Press are supplied.

4. Heads of Departments will cease to utilize the paper in question for the publication of their advertisements.

5. Ordered that copy of these Proceedings be placed on the Editors' Table.

(True Extract.)

Chief Secretary.

To the Revenue Department.
" Military Department.
" Public Works Department.
" Heads of Departments.
" Editors' Table.

Exd. A. F. Goodall.

Govt. of {1882} Madras.

PUBLIC.

Issued.

Recd. *Encl.*

G.O., 1st December 1882, No. 1499.

DECEMBER.

Newspapers.

Directing the removal of the *Madras Times* from the list of — to which papers placed at the disposal of the Press are supplied.

Note for [illegible]

~~NOT SEEN BY THE~~

CHIEF SECRETARY.

Please, is it to be understood that the 'Native Times' is to be regarded as again among the papers to which E.T. documents are sent?

[illegible initials]

10/1

From Council

15/1/84. Times newspaper will be Re-admitted

E.F.W.

15/1/84

to Chief Secy. 2a 3

Nothing has transpired
so as to the publication
of the Minute. These
are notes from the
during the Delhi
conversations for others
sent to ~~those~~ Delhi.

E

3a 5.

Office - Note

G.O. 18th Aug last No. 785, Public, Containing H.E. the Governor's Tour Minute of the 29th July last was received in this Dept. on the 3rd Sept following. Whatever action had to be taken on the Minute was done by means of Official Memo-randa and pending receipt of replies to these Memoranda, the G.O. itself ~~is law~~ has been ordered to lie over and has not been Communicated to any Office -

The undersigned ~~is unable to~~ does not suspect that anybody in [illegible] the Dept has clandestinely comm^d. the paper to the

the rarely copied and read out

16/11/82 Jagannatha

The order in the P.W.
Deptt in which there is nothing
objectionable was placed
on the Editors' table after
approval in Council - and
this accounts for its publi:
:cation not only in the
"Times" but also in the
"Mail" - I have seen no other
papers - The "Minute" was not
placed at the disposal of the
Press - and I am unable to find
any clue as to how it could
have got into the hands of the
Editor of the "Times" - It is

5a 11

GOVERNMENT OF MADRAS,

Public Works Department,

Chepâk,

188 .

after the fact to trace the
delinquent. As I suggested
on a former occasion it
seems necessary that the
Police should have
special Detectives to watch
these things if the practice
is to be put a stop to. The
only Judicial conviction
within my knowledge was
obtained in this way. I
had information that
Miller of the Govt. Press was
in the habit of entering
[illegible]. This was

communicated to the Police, and he was taken in the act. His ultimate destination being the Penitentiary.

A Detective or two in plain clothes hanging round the post Pens and following home suspects might do some good. The Detectives would have to be changed occasionally Even if detection fails, the moral Effect would be deterrent. I remember that after the Millar

6a   B

affair we were not
troubled in this way for
a long time.

[illegible]
A. Parsons
A. Scott M.D.

15 7a

15 1a

Note from P W Deptt.

8th ✓

Memo:

The Milty Dt recd

from the Public Dt — 6 copies of
the Govrs Minute
d/29 Jul 82

— " — Press 10 — copies

Total 16

These were distributed
as under

Adjt Genl —— 2

QMr Genl —— 2

— " — on special
application —— 6

IGO —— 2

Rev Dt —— 2

Now in Milty Dt —— 2

Total 16

17

No. 1297 9th Public Deptt.

Desp.d 13/11/80

O.M.

The undersigned is directed to ask the Editor "Madras Times" to explain how he allowed himself to publish in the issue of that paper of the 7th instant H.E. the Governor's Minute relating to a Tour undertaken last July, such Minute not having been communicated to the Press or in any way made public. The undersigned is directed further to enquire how the paper in question came into the

18

the Editor's possession.

An early answer will oblige.

Sd/ C. G. Master
Chief Secretary

Fort St. George
13 Novr. 1882

10a ~~20~~ 19

21) 11a

THE MADRAS TIMES,

MADRAS, 14th October 1882.

Nov

From
Revd J. F. Spencer,
Editor of the "Madras Times",

To
C. G. Master Esqre,
Chief Secretary to Government.

Sir,

I have the honor to acknowledge the receipt of your Official Memorandum, No 1297, dated 13th Novr 1882.

2. I beg to point out that your expression, "how he allowed himself to publish," implies some impropriety in the act. This I most respectfully but firmly beg to repudiate; for I am not aware of any law of morality, propriety or courtesy, which prevents an Editor from presenting to the public a paper (1) which was highly

2

interesting, yet which contained no important State Secret, (2) whose publication was in no way calculated to embarrass the Government, (3) whose contents were already widely known among officials, (4) which, the public will agree with the press, ought certainly to have been communicated to the latter, (5) and of which a portion had already been published in the Madras Mail four days before, and copied by other papers.

3. On the other hand, I respectfully beg to claim your recognition of my forbearance and courtesy, because, expecting the formal communication of the Minute to the press, I refrained from publishing it till what I consider an unsatisfactory extract from it was going the round of the papers, whereas I, better appreciating the worth and interest of the

23 12a

document, and the absence of danger in its publication, published it in full.

4. The tone of your ~~letter~~ memorandum prevents my ~~suggesting~~ requesting, as I might otherwise do, that the partiality which is shewn to the Mail in the communication of H. E. the Governor's speeches be not extended to his minutes and official utterances.

5. With reference to your second query, I most respectfully beg to decline breaking the universal and almost sacred rule observed by Editors of not divulging the sources of their information, which rule, as it is well known, I am surprised that you should ask me to violate.

I have the honor to be,
Sir,
Your most obedient servant,
J. T. Spencer.
Editor of the "Madras Times"

24

Confidential

No. 1318.

From Rev. J. J. Spencer
Editor, "Madras Times"

D/o
7/14 Oct.

Forwarded to the Advo-
-cate General for his opinion
upon the position as-
-sumed by the Editor of
the *Times*.

C. Master
Chief Secretary.

Fort St. George.
14 Nov. 1882.

To the Govt. Solicitor
with copy of O.M. to
the Editor.

Opinion

I do not see that any effectual steps can be taken against the Editor of the Madras Times for the publication in question. There is no provision in the Penal Code making the unauthorized publication of documents relating to State affairs an offence. The offence of theft (or abetment thereof or receiving the same knowing or having reason to believe that the same was stolen) may be committed in respect of such documents but it would be necessary to have evidence against the accused person to prove the theft, the abetment or the receiving. The fact that a document was published in a newspaper or other publication would not be sufficient evidence against the proprietor, editor or manager.

No civil proceeding which could be now taken would lead to any satisfactory result. If the intention to publish were known an injunction might have been obtained prohibiting the publication, though I do not feel certain that it would, and, seeing that there is no express provision of law rendering such publication unlawful, it is doubtful whether it would have been advisable to have sought for an injunction.

I do not see the Madras Times and have not read the publication in question or the minute of His Excellency the Governor, and therefore my observations are only intended to apply generally to the case of an unauthorized publication of Government documents. If this is frequently done, and it is expedient to put a stop

26

to the practice, I think it would be necessary to have recourse to legislation

(Sgd) P. O'Sullivan
Advocate General

The 15th Nov 1882

True copy
Ernest Barclay
Govt Sol.

14a 27

15 30 15a

Confidential

30

14a

Public (1882.) DEPARTMENT.

FROM,

ERNEST BARCLAY,

GOVERNMENT SOLICITOR,

MADRAS.

TO,

THE CHIEF SECRETARY

TO GOVERNMENT,

MADRAS.

CURRENT No. 3154

No. 591.

MADRAS DATED 15TH NOVEMBER 1882.

RECEIVED, 15/11

ENCLOSURE

FORWARDED WITH ENCLOSURE WITH REFERENCE TO DOCKET DATED 14TH INSTANT NO. 1318.

Ernest Barclay

GOVERNMENT SOLICITOR.

16a 31

DEPARTMENT.

No.

From the Government Solicitor d/15 Nov 1882 enclosing Advocate General's opinion upon conduct of Editor of the Times in publishing the E. the Governor's Minute on tour without permission.

FOR ORDERS.

Enquiry is still being made as to how the paper was come to the Press. Meanwhile the only action apparently which can be taken is to carry out the order of 30 November 1865 No 1238 in regard to the 'Times' newspaper and withdraw the privilege of

I do not see that anything else can be done & the tone of the Editor's letter is so defiant that nothing less will suffice.

? as to advertisements

Concurred

MW

Nov 17/82

M

obtaining official 32
papers from the
Editor's table as
was done in other
similar cases
vide
G.O. 8 Nov 1870 No 1445
G.O. 12 July 1872 No 778

[illegible]

17a 33

17

34. Publication of H.E. the Governor's Tour minute of 29 July last

8.

FOR ORDERS.

H.E. the Governor
& Cir.

35 18 1 P

Public Dept.

Pvs. Madras Govt.

Order Dy. 1st Decr/82 No 1499.

In the issue of Tuesday, Novr 7th, inst the "Madras Times" Newspaper published at length the Minute recorded by His Exy. the Governor relating to his tour undertaken in July last – a confidential document which, as the Editor must have been well aware when the paper came to his hands, had not been placed by the Govt. at the disposal of the Press.

2 In reply to the enquiry made on the subject the Editor, the Rev. J. F. Spencer, expresses no regret for ~~this contravention of official etiquette~~ his conduct, but on the contrary takes credit to himself for having given publicity to a paper ~~clandestinely~~ which he had ~~improperly~~ irregularly obtained, refusing at the same time to explain how he became possessed of the same. –

3 In the circumstances the only course open to Govt. is to give effect to G.O. of 30th Nov. 1865 on the subject and to direct the removal of the

196 2P

c 37

Madras Times' from the list of newspapers to which papers placed at the disposal of the Press are supplied.

4. Heads of Departments will cease to utilize the paper in question for the publication of their advertisements.

5. Ordered that copy of these Proceedings be placed on the Editor's Table. —

[illegible signature]

Rev. Deptt
Mily Deptt
P.W. Deptt.
Heads of Deptts
Editors Table

} Despd 6/12

38

The Madras Times

H.E. the Governor
[illegible]

42

Confidential

PRESS.

Public DEPARTMENT.

G.O. DATED 1st Decr. /82

No. 1499.

First copy sent to Press. 1/12/82.

Returned for signature. 5/12

Despatched in print. 6/12

[Despatch Abstract.]

Newspapers. Directing the removal of the 'Madras Times' from the list of newspapers to which papers placed at the disposal of the Press are supplied.

13680/70
13979/RH/92
1340/77
1836/RI
383/RI
16/7/92/RH
9600/RH/92
8/9/92/R